

House Study Bill 25 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the forfeiture of bail in a criminal case.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.8102, subsection 131, Code 2013, is
2 amended to read as follows:

3 131. Hold the amount of forfeiture and judgment of bail in
4 the clerk's office for ~~sixty~~ ninety days as provided in section
5 811.6.

6 Sec. 2. Section 811.6, subsections 2 and 3, Code 2013, are
7 amended to read as follows:

8 2. Where a forfeiture and judgment have been entered as
9 provided in this section, and the amount of the judgment has
10 been paid to the clerk, the clerk shall hold the same as funds
11 of the clerk's office for a period of ~~sixty~~ ninety days from
12 the date of judgment.

13 3. The court may, upon application, set aside such judgment
14 if, within ~~sixty~~ ninety days from the date ~~thereof~~ of the
15 judgment, the defendant shall voluntarily surrender to the
16 sheriff of the county, or the defendant's sureties shall, at
17 their own expense, deliver the defendant to the custody of
18 the sheriff. Such judgment shall not be set aside, however,
19 unless as a condition precedent thereto, the defendant and the
20 defendant's sureties shall have paid all costs and expenses
21 incurred in connection therewith.

22 EXPLANATION

23 This bill relates to the forfeiture of bail in a criminal
24 case.

25 The bill extends the time period the court may set aside a
26 judgment (forfeited bail) against a surety when a defendant
27 fails to appear in court. Under the bill, if a defendant fails
28 to appear in court the judgment against the surety may be
29 set aside by the court if a defendant voluntarily surrenders
30 to the sheriff or the surety delivers the defendant to the
31 court within 90 days of the entry of the judgment. Current
32 law provides that the judgment against the surety may be set
33 aside by the court if a defendant voluntarily surrenders to
34 the sheriff or the surety delivers the defendant to the court
35 within 60 days of the entry of the judgment.

H.F. _____

1 The bill also extends the time period the clerk of the
2 district court is required to hold the forfeited bail from
3 60 days to 90 days from the date of the judgment against the
4 surety.

5 Forfeited bail is collected by the clerk of the district
6 court and distributed pursuant to Code section 602.8106.